

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.627 OF 2005

Govind Dnyanoba Pise ..Petitioner.

Vs.

Divisional Joint Registrar & Ors. ..Respondents.

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Dr.V.K.Chowdhary for the Petitioner.

CORAM : DR.D.Y.CHANDRACHUD, J.

20th July, 2005.

P.C. :

A recovery certificate was issued under Section 101 of the Maharashtra Co-operative Societies Act, 1960 on 29th November, 2001 in the amount of Rs.6,12,911/- together with future interest at the rate of 20% per annum with effect from 1st April, 2001 on the principal sum of Rs.4,30,000/-. The recovery certificate has inter alia been issued against the Petitioner who was Opponent No.1 to the proceedings before the authority. The Petitioner filed a revision under

Section 154 during the pendency of which Consent Terms were arrived at between the Petitioner and the Third Respondent on 16th January, 2002. The Divisional Joint Registrar disposed of the revisional proceedings on 18th February, 2002 in terms of a joint pursis which was filed by the parties. There was a breach on the part of the Petitioner in complying with his obligations under the Consent Terms upon which a notice was issued by the Bank on 13th May, 2002 for the recovery of an amount of Rs.4,50,141/-. This was challenged by the Petitioner by filing another revision application under Section 154 before the Divisional Joint Registrar which has been dismissed by the impugned order dated 31st August, 2004 on the ground of non deposit under Section 154 (2-A) of the Act. The revision which was filed by the Petitioner against a notice by the bank was clearly misconceived because plainly a revision under Section 154 only lies against a decision or order passed by a sub-ordinate officer within the meaning of Section 154. In the present case, only a notice was issued by the bank on 13th May, 2002. The bank has stated that in the event that the Petitioner fails to comply with the requisitions made

thereunder, the bank would proceed to take proceedings in accordance with law. The remedy which was adopted by the Petitioner was, in my view, clearly misconceived. The bank has only stated that it would take recourse to remedies in accordance with law. In these circumstances, the interference of this Court under Article 227 is not warranted. The Petition is accordingly rejected.